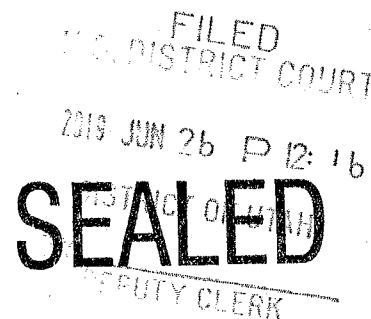


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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS DANIEL PANESSA,

Defendant.

INDICTMENT

18 U.S.C. § 2251(a) and (e),
PRODUCTION OF CHILD
PORNOGRAPHY (Counts 1, 7, 11);

18 U.S.C. § 2422(b)
COERCION AND ENTICEMENT
(Counts 2, 8, 12);

18 U.S.C. 2423(b)
TRAVEL WITH INTENT TO ENGAGE
IN ILLICIT SEXUAL CONDUCT
(Counts 3, 9, 13);

18 U.S.C. § 2261A(1), INTERSTATE
STALKING (Counts 4, 10);

18 U.S.C. § 2261A(2),
CYBERSTALKING (Counts 5, 14);

18 U.S.C. § 2252A(a)(2),
DISTRIBUTION OF CHILD
PORNOGRAPHY (Count 6);

18 U.S.C. § 2252A(a)(5)(B),
POSSESSION OF CHILD
PORNOGRAPHY (Count 15).

Case: 2:19-cr-00221
Assigned To : Campbell, Tena
Assign. Date : 6/25/2019
Description:

The Grand Jury Charges:

COUNT 1

Production of Child Pornography
(18 U.S.C. § 2251(a) and (e))

Beginning on a date unknown in 2018 and continuing through April 2019, in the
Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

the defendant herein, did knowingly employ, use, persuade, induce, entice and coerce
Minor 1 to engage in sexually explicit conduct for the purpose of producing visual
depictions of such conduct, and the defendant knew and had reason to know such visual
depictions would be transported across state lines or in foreign commerce, by any means
including the internet, and which visual depictions were mailed and transported across
state lines or in foreign commerce, by any means including the internet, and such visual
depictions were produced using materials that had been mailed, shipped, and transported
across state lines or in foreign commerce by any means, and attempted to do so; all in
violation of 18 U.S.C. § 2251(a) and (e).

COUNT 2

Coercion and Enticement
(18 U.S.C. § 2422(b))

Beginning on a date unknown in 2018 and continuing through April 2019, in the
Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

the defendant herein, did knowingly and intentionally, by means of a facility of interstate

commerce, persuade, induce, entice, and coerce any individual who had not attained the age of 18 years, to wit: Minor 1, to engage in sexual activity for which a person can be charged with a criminal offense, and attempted to so persuade, induce, entice, and coerce; and did aid and abet; all in violation of 18 U.S.C. § 2422(b).

COUNT 3

Travel with Intent to Engage in Illicit Sexual Conduct
(18 U.S.C. § 2423(b))

Beginning on a date unknown in 2018 and continuing through April, 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

defendant herein, did travel in interstate commerce for the purpose of engaging in any illicit sexual conduct as defined in Title 18, United States Code, Section 2423(f), with another person, to wit: Minor 1, and attempted to do so; all in violation of 18 U.S.C. § 2423(b).

COUNT 4

Interstate Stalking
(18 U.S.C. § 2261A(1))

Beginning on a date unknown in 2018 and continuing through April, 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

traveled in interstate commerce from the State of Arizona to the State of Utah with the intent to injure, harass, and place under surveillance with intent to kill, injure, harass, and intimidate another person, to wit: Minor 1, and in the course of and as a result of such

travel placed Minor 1 in reasonable fear of serious bodily injury to Minor 1 and caused substantial emotional distress to Minor 1, and attempted to do so, all in violation of Title 18, United States Code, Section 2261A(1).

COUNT 5

Cyberstalking
(18 U.S.C. § 2261A(2))

Beginning on a date unknown in 2018 and continuing through April, 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

with the intent to injure, harass, and cause substantial emotional distress to a person in another state, namely, Utah, used facilities of interstate and foreign commerce, including mobile phone applications and other forms of electronic communication, to engage in a course of conduct that caused substantial emotional distress to the victim, Minor 1, and placed her in reasonable fear of death or serious bodily injury; and attempted to do so, all in violation of 18 U.S.C. § 2261A(2).

COUNT 6

Distribution of Child Pornography
(18 U.S.C. § 2252A(a)(2)(A), (B) and (b)(1))

Beginning on a date unknown in 2018 and continuing through April, 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

defendant herein, did knowingly distribute any child pornography, and material that contained child pornography, as defined in 18 U.S.C. § 2256(8) that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so; all in violation of 18 U.S.C. § 2252A(a)(2)(A), (B), and (b)(1).

COUNT 7

Production of Child Pornography
(18 U.S.C. § 2251(a) and (e))

Beginning on a date unknown in 2018 and continuing through April 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

the defendant herein, did knowingly employ, use, persuade, induce, entice and coerce Minor 2 to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, and the defendant knew and had reason to know such visual depictions would be transported across state lines or in foreign commerce, by any means including the internet, and which visual depictions were mailed and transported across state lines or in foreign commerce, by any means including the internet, and such visual depictions were produced using materials that had been mailed, shipped, and transported across state lines or in foreign commerce by any means, and attempted to do so; all in violation of 18 U.S.C. § 2251(a) and (e).

COUNT 8

Coercion and Enticement
(18 U.S.C. § 2422(b))

Beginning on a date unknown in 2018 and continuing through April 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

the defendant herein, did knowingly and intentionally, by means of a facility of interstate commerce, persuade, induce, entice, and coerce any individual who had not attained the age of 18 years, to wit: Minor 2, to engage in sexual activity for which a person can be charged with a criminal offense, and attempted to so persuade, induce, entice, and coerce; and did aid and abet; all in violation of 18 U.S.C. § 2422(b).

COUNT 9

Travel with Intent to Engage in Illicit Sexual Conduct
(18 U.S.C. § 2423(b))

Beginning on a date unknown in 2019 and continuing through April, 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

defendant herein, did travel in interstate commerce for the purpose of engaging in any illicit sexual conduct as defined in Title 18, United States Code, Section 2423(f), with another person, to wit: Minor 2, and attempted to do so; all in violation of 18 U.S.C. § 2423(b).

COUNT 10

Interstate Stalking
(18 U.S.C. § 2261A(1))

Beginning on a date unknown in 2019 and continuing through April, 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

traveled in interstate commerce from the State of Arizona to the State of Utah with the intent to injure, harass, and place under surveillance with intent to kill, injure, harass, and intimidate another person, to wit: Minor 2, and in the course of and as a result of such travel placed Minor 2 in reasonable fear of serious bodily injury to Minor 2 and caused substantial emotional distress to Minor 2, and attempted to do so, all in violation of Title 18, United States Code, Section 2261A(1).

COUNT 11

Production of Child Pornography
(18 U.S.C. § 2251(a) and (e))

Beginning on a date unknown in 2018 and continuing through April 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

the defendant herein, did knowingly employ, use, persuade, induce, entice and coerce Minor 3 to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, and the defendant knew and had reason to know such visual depictions would be transported across state lines or in foreign commerce, by any means

including the internet, and which visual depictions were mailed and transported across state lines or in foreign commerce, by any means including the internet, and such visual depictions were produced using materials that had been mailed, shipped, and transported across state lines or in foreign commerce by any means, and attempted to do so; all in violation of 18 U.S.C. § 2251(a) and (e).

COUNT 12

Coercion and Enticement
(18 U.S.C. § 2422(b))

Beginning on a date unknown in 2018 and continuing through April 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

the defendant herein, did knowingly and intentionally, by means of a facility of interstate commerce, persuade, induce, entice, and coerce any individual who had not attained the age of 18 years, to wit: Minor 3, to engage in sexual activity for which a person can be charged with a criminal offense, and attempted to so persuade, induce, entice, and coerce; and did aid and abet; all in violation of 18 U.S.C. § 2422(b).

COUNT 13

Travel with Intent to Engage in Illicit Sexual Conduct
(18 U.S.C. § 2423(b))

Beginning on a date unknown in 2019 and continuing through April, 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

defendant herein, did travel in interstate commerce for the purpose of engaging in any illicit sexual conduct as defined in Title 18, United States Code, Section 2423(f), with

another person, to wit: Minor 3, and attempted to do so; all in violation of 18 U.S.C. § 2423(b).

COUNT 14

Cyberstalking
(18 U.S.C. § 2261A(2))

Beginning on a date unknown in 2018 and continuing through April, 2019, in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

with the intent to injure, harass, and cause substantial emotional distress to a person in another state, namely, Utah, used facilities of interstate or foreign commerce, including mobile phone applications and other forms of electronic communication, to engage in a course of conduct that caused substantial emotional distress to the victim, Minor 3, and placed her in reasonable fear of death and serious bodily injury; and attempted to do so, all in violation of 18 U.S.C. § 2261A(2).

COUNT 15

Possession of Child Pornography
(18 U.S.C. § 2252A(a)(5)(B))

On a date unknown, continuing through April, 2019 in the Central Division of the District of Utah,

NICHOLAS DANIEL PANESSA,

defendant herein, did knowingly possess any material which contains an image of child pornography, as defined in 18 U.S.C. § 2256(8), that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, and

which images were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer, and attempted to do so; all in violation of 18 U.S.C. § 2252A(a)(5)(B).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. § 2253, upon conviction of a violation of 18 U.S.C. § 2252A, as alleged herein, the above-named defendant shall forfeit to the United States, (i) any visual depiction described in 2251, 2251A, or 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of this chapter; (ii) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and (iii) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

- iPhone 10X
- Samsung Galaxy S10+
- Substitute property as allowed by 21 U.S.C. § 853(p) and 18 U.S.C. § 2253(b).

Pursuant to 18 U.S.C. § 2428, upon conviction of a violation of 18 U.S.C. §§ 2422 or 2423, as alleged herein, the above-named defendant shall forfeit to the United States (i) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and (ii) any property, real or personal, constituting or derived from any proceeds that the defendant obtained, directly or

indirectly, as a result of such violation. The property to be forfeited includes, but is not limited to, the following:

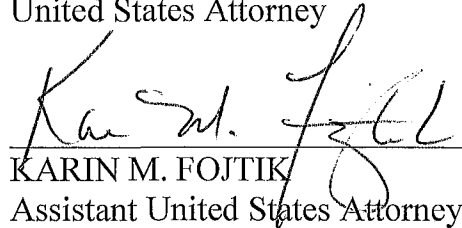
- iPhone 10X
- Samsung Galaxy S10+
- Substitute property as allowed by 21 U.S.C. § 853(p) and 28 U.S.C. § 2461(c).

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

JOHN W. HUBER
United States Attorney


KARIN M. FOJTIK
Assistant United States Attorney